



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
SPARTANBURG DIVISION

RODNEY J. BAKER, individually	§	
and d/b/a Baker Roofing, and C.	§	
ELIZABETH BAKER,	§	
	§	
Plaintiffs,	§	
	§	
vs.	§	CIVIL ACTION NO. 7:04-1715-HFF-WMC
	§	
COUNTY OF SPARTANBURG,	§	
SPARTANBURG COUNTY SHERIFF'S	§	
OFFICE, SHERIFF BILL COFFEY, as Sheriff	§	
of Spartanburg County, and OFFICER	§	
JASON WILSON,	§	
	§	
Defendants.	§	

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ORDER ADOPTING THE REPORT AND RECOMMENDATION OF THE  
MAGISTRATE JUDGE AND DISMISSING THE ACTION

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This is a civil rights action. Plaintiffs are proceeding *pro se*. The matter is before the Court for review of the report and recommendation (report) of the United States Magistrate Judge in which he suggests that the Court dismiss the Complaint due to Plaintiffs' failure to prosecute. The report is made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *See Matthews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a *de novo*

determination of those portions of the report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed his report on June 10, 2005. Plaintiffs failed to file any objections to the report. In the absence of such objections, the Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4<sup>th</sup> Cir. 1983). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the report and the record in this case pursuant to the standards set forth above, the Court adopts the report and incorporates it herein. Therefore, it is the judgment of this Court that the Complaint in this case be **DISMISSED** for lack of prosecution.

**IT IS SO ORDERED.**

Signed this 12th day of July, 2005, in Spartanburg, South Carolina.

s/ Henry F. Floyd  
HENRY F. FLOYD  
UNITED STATES DISTRICT JUDGE

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**NOTICE OF RIGHT TO APPEAL**

Plaintiffs are hereby notified that they have the right to appeal this Order within **thirty (30)** days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.